

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

**AIR FORCE OFFICER, AIR FORCE NCO,
AIR FORCE SPECIAL AGENT, and AIR
FORCE ENGINEER** *on behalf of themselves
and all others similarly situated,*

Plaintiffs,

v.

LLOYD J. AUSTIN, III, *individually and in his
official capacity as Secretary of Defense;*

FRANK KENDALL, III, *individually and his
official capacity as Secretary of the Air Force; and*

ROBERT I. MILLER, *individually and his
official capacity as Surgeon General of the Air Force,*

Defendants.

**CIVIL ACTION NO.
5:22-cv-00009-TES**

ORDER ADMINISTRATIVELY CLOSING CASE

Before the Court is Plaintiffs' Motion to Stay [Doc. 121] pending (1) final judgment, after exhaustion of all appeal rights, as to the class-wide relief preliminary granted in the Southern District of Ohio¹ and (2) final judgment, after exhaustion of all appeal rights, as to the nationwide injunctive relief preliminarily granted in the

¹ See Order Granting Motion for Class Certification & Order Granting Class-wide Preliminary Injunction, *Doster v. Kendall*, No. 1:22-cv-00084-MWM (S.D. Ohio Feb. 16, 2022), ECF Nos. 72 & 77.

Southern District of Texas² as to the federal civilian mandate claims asserted in Counts I and II of Amended Complaint [Doc. 84].

The Court **GRANTS** Plaintiffs' Motion to Stay [Doc. 121], and it **STAYS** this case as to Counts I and II of the Amended Complaint.³ Because a district court's "stay must not be 'immoderate[,]'" if the relief preliminarily granted to Plaintiffs in *Doster* is vacated, reversed, stayed, or significantly altered to interfere with the relief to which they contend they are entitled, they may file a motion to reopen this case. *CTI-Container Leasing Corp. v. Uiterwyk Corp.*, 685 F.2d 1284, 1288 (11th Cir. 1982). If the relief preliminarily granted to Air Force Officer in *Feds for Medical Freedom* is vacated, reversed, stayed, or significantly altered to interfere with the relief to which she contends she is entitled, she may file a motion to reopen this case.

The Court also **STAYS** this case as to Count III of the Amended Complaint. At this time, all Plaintiffs are completely protected from receiving the COVID-19 vaccine or other adverse actions from the above-captioned defendants by the preliminary relief granted in the Southern District of Ohio. Further, Air Force Officer—as to her federal civilian mandate claims—is completely protected in the same manner by the

² See Memorandum Opinion and Order & Notice of Appeal, *Feds for Med. Freedom v. Biden*, No. 3:21-cv00356, (S.D. Tex. Dec. 21, 2021), No. 22-40043 (5th Cir.), ECF Nos. 36–37.

³ Regarding Defendants' request that the Court stay Counts I and II for 14 days, Plaintiffs are undoubtedly represented by competent and capable counsel, and their counsel can advise them as to how to proceed with respect to the class certification and preliminary injunctive relief from *Doster*. [Doc. 122, p. 2]. This Court will not impede, interfere, intimate, or attempt to interpret the orders issued by the Southern District of Ohio.

preliminary relief granted in the Southern District of Texas. Therefore, with deference to judicial efficiency and an eye towards avoiding piecemeal litigation, the Court also **STAYS** this case as to Count III of the Amended Complaint. *See, e.g., Clinton v. Jones*, 520 U.S. 681, 683 (1997) (discussing district court’s “broad discretion to stay proceedings as an incident to its power to control its own docket”). In the event the protections currently afforded in *Dotson* and *Feds for Medical Freedom* are vacated, reversed, stayed, or significantly altered to interfere with the relief Plaintiffs contend they are entitled, they may file a motion to reopen this case.

Based on the Court’s stay with respect to Counts I, II, and III of the Amended Complaint, the Court **DIRECTS** the Clerk of Court to **ADMINISTRATIVELY CLOSE** this case.⁴

SO ORDERED, this 5th day of August, 2022.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT

⁴ The Telephone Conference scheduled for August 8, 2022, is **CANCELED**.